

2009 DRAFTING REQUEST

Bill

Received: **01/16/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Byrnes**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

DOA:.....Byrnes, BB0446 -

Topic:

Create a program revenue appropriation for bus inspections

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/16/2009	jdye 01/17/2009					S&L
/1			jfrantze 01/20/2009		cdurst 01/20/2009		

FE Sent For:

<END>

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/?	agary	1/17 jld	76	76/RS 1/20			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Create a program revenue appropriation for bus inspections
- Tracking Code: BB0440
- SBO team: Tax, Transportation and Budget Development Team
- SBO analyst: Tyler Byrnes
 - Phone: 266-1039
 - Email: tyler.byrnes@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395
- Priority (Low, Medium, High): High

Intent: Please prepare a draft that creates a program revenue appropriation for school bus inspections. Allow the department to charge school bus operators for the inspections. Allow the department to administratively set prices and procedures for the inspection. The revenue generated from this new program revenue appropriation is to fund the operation of the inspection program in the department. Make the effective date 4 months after the enactment of the budget.

DOA...

9 10
2007 - 2008 LEGISLATURE

1604/11
LRB-2668/2

ARG/jld/nwn

Stays RMNR

9
2007 ASSEMBLY BILL 644

December 21, 2007 - Introduced by Representatives FRISKE, A. WILLIAMS, BALLWEG, GRONEMUS, MONTGOMERY and ALBERS, cosponsored by Senators LEHMAN and ROESSLER. Referred to Committee on Transportation.

the budget ✓

✓ do not gen

- 1 AN ACT *to amend* 110.06 (title) and 121.555 (2) (b); and *to create* 20.395 (5) (ds)
2 and 110.06 (2m) and (6) of the statutes; **relating to:** vehicle inspections of
3 school buses and alternative vehicles, extending the time limit for emergency
4 rule procedures, providing an exemption from emergency rule procedures,
5 requiring the exercise of rule-making authority, and making an appropriation

TRANSPORTATION ← head

→ Drivers and motor vehicles ← subhead

Analysis by the Legislative Reference Bureau

Under current law, a school board or the governing body of a private school may provide pupil transportation services by alternative methods, including by a motor vehicle that transports nine or fewer passengers, plus the operator (alternative school vehicle). An alternative school vehicle that is owned or leased by a school or a private contractor or that is operated by a school district employee must be inspected annually, and the owner or lessee of the vehicle is responsible for this annual inspection. The duties of inspectors employed by the Department of Transportation (DOT) include enforcing and assisting in administering the inspection requirements for alternative school vehicles.

Under current law, DOT must adopt and enforce rules relating to school buses, including rules relating to the inspection of school buses. A "school bus" is defined to include a motor vehicle that carries ten or more passengers in addition to the operator, or that is painted school bus yellow with black trim and lettering, for the purpose of transporting pupils to or from a public or private school or to or from curricular or extracurricular activities. However, a "school bus" does not include a

ASSEMBLY BILL 644

motor vehicle owned or operated by a parent transporting only his or her own children, an alternative vehicle, or a motor bus operated for purposes of transporting pupils to or from curricular or extracurricular activities. DOT rules currently require school buses to be inspected annually. NOT

This bill specifies that the annual inspections required of alternative school vehicles must be conducted by DOT and requires DOT to promulgate and enforce rules for the annual inspection of alternative school vehicles. DOT's rules for school bus and alternative school vehicle inspections must specify any fee to be charged by DOT for an inspection. If DOT charges a fee for these inspections, DOT must charge the same fee for the same type of inspection to each person presenting a school bus or alternative school vehicle for inspection, regardless of whether the owner or lessee of the school bus or alternative school vehicle is a school district, private school, or private contractor. The bill also appropriates all school bus and alternative school vehicle fees collected by DOT for use for purposes related to conducting these inspections. specifying the inspection

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.395 (5) (ds) of the statutes is created to read:

20.395 (5) (ds) School bus and alternative school vehicle inspection, state funds.

All moneys received as school bus and alternative school vehicle inspection fees as provided under s. 110.06 (6) for purposes related to conducting inspections of school buses and alternative school vehicles under s. 110.06 (2) and (2m). note: bud

SECTION 2. 110.06 (title) of the statutes is amended to read:

110.06 (title) Rules; school bus presale and alternative school vehicle inspection; penalties.

SECTION 3. 110.06 (2m) and (6) of the statutes is created to read:

110.06 (2m) The department shall promulgate and enforce such rules as the department deems necessary in the interests of safety to cover the annual inspection of alternative school vehicles, as provided under s. 121.555 (2) (b).

ASSEMBLY BILL 644

110.06

(6) The rules under subs. (2) and (2m) shall specify ~~any~~ ^{the} fee to be charged by the department for an inspection under sub. (2) or (2m). If the department charges a fee for inspections of school buses or alternative school vehicles under sub. (2) or (2m), the department shall charge the same fee for the same type of inspection to each person presenting a school bus or alternative school vehicle for inspection, regardless of whether the owner or lessee of the school bus or alternative school vehicle is a school district, private school, or private contractor. The department shall credit to the appropriation account under s. 20.395 (5) (ds) all fees collected for inspections of school buses and alternative school vehicles under subs. (2) and (2m).

SECTION 4. 121.555 (2) (b) of the statutes is amended to read:

121.555 (2) (b) *Inspection*. If the vehicle is owned or leased by a school or a school bus contractor or is operated by a school district employee, it shall be inspected by the department of transportation annually for compliance with the requirements of s. 110.075, ch. 347, and the rules of the department of transportation. The owner or lessee of the vehicle is responsible for the annual inspection having the vehicle inspected annually.

SECTION 5. Nonstatutory provisions.

(1) The department of transportation shall submit in proposed form the rules required under section 110.06 (2m) and (6) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection.

(2) Using the emergency rules procedure under section 227.24 of the statutes, the department of transportation shall promulgate the rules required under section 110.06 (2m) and (6) of the statutes, as created by this act, for purposes of implementing this act, for the period before the effective date of the rules submitted

ASSEMBLY BILL 644

1 under subsection (1). The department shall promulgate these emergency rules no
2 later than the first day of the 4th month beginning after the effective date of this
3 ~~subsection~~ ^{paragraph}. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these
4 emergency rules may remain in effect until July 1, 2009, or the date on which
5 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
6 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
7 promulgating a rule under this ~~subsection~~ ^{paragraph} as an emergency rule is necessary for the
8 preservation of the public peace, health, safety, or welfare and is not required to
9 provide a finding of emergency for a rule promulgated under this ~~subsection~~ ^{paragraph}.

SECTION 6. Initial applicability.

11 (1) The treatment of section 121.555 (2) (b) of the statutes first applies to
12 alternative school vehicles for which the department of transportation receives an
13 initial or renewal registration application on the effective date of this subsection.

14 ~~SECTION 7. Effective dates. This act takes effect on the day after publication,~~
15 ~~except as follows:~~

16 (1) The treatment of section 121.555 (2) (b) of the statutes and Section 6 of this
17 act take effect on the first day of the 4th month beginning after publication.

(END)

20.395 (5) (ds) and 110.06 (6)

d-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1604/1dn

ARG: A...

date

JLD

ATTN: Tyler Byrnes

The drafting instructions specify creation of a "program revenue appropriation" (PR).
A PR appropriation can only be made from the general fund. In this draft, I have
assumed that you want a PR-type appropriation from the transportation fund (which
is technically a SEG appropriation). Please advise if I am mistaken and you actually
want the appropriation to be from the general fund.

Aaron R. Gary

Legislative Attorney

Phone: (608) 261-6926

E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1604/1dn
ARG:jld:jf

January 20, 2009

ATTN: Tyler Byrnes

The drafting instructions specify creation of a "program revenue appropriation" (PR). A PR appropriation can only be made from the general fund. In this draft, I have assumed that you want a PR-type appropriation from the transportation fund (which is technically a SEG appropriation). Please advise if I am mistaken and you actually want the appropriation to be from the general fund.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1604/1
ARG:jld:jf

DOA:.....Byrnes, BB0446 - Create a program revenue appropriation for bus inspections

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT must adopt and enforce rules relating to school buses, including rules relating to the inspection of school buses. DOT rules currently require school buses to be inspected annually.

This bill requires DOT to promulgate rules specifying the fee to be charged by DOT for school bus inspections. The bill also appropriates all school bus inspection fees collected by DOT for use for purposes related to conducting these inspections.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.395 (5) (ds) of the statutes is created to read:

1 20.395 (5) (ds) *School bus inspection, state funds*. All moneys received as school
2 bus inspection fees as provided under s. 110.06 (6) for purposes related to conducting
3 inspections of school buses under s. 110.06 (2).

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 110.06 (6) of the statutes is created to read:

5 110.06 (6) The rules under sub. (2) shall specify the fee to be charged by the
6 department for an inspection under sub. (2). The department shall credit to the
7 appropriation account under s. 20.395 (5) (ds) all fees collected for inspections of
8 school buses under subs. (2).

9 **SECTION 9150. Nonstatutory provisions; transportation**

10 (1) SCHOOL BUS INSPECTIONS.

11 (a) The department of transportation shall submit in proposed form the rules
12 required under section 110.06 (6) of the statutes, as created by this act, to the
13 legislative council staff under section 227.15 (1) of the statutes no later than the first
14 day of the 4th month beginning after the effective date of this paragraph.

15 (b) Using the emergency rules procedure under section 227.24 of the statutes,
16 the department of transportation shall promulgate the rules required under section
17 110.06 (6) of the statutes, as created by this act, for purposes of implementing this
18 act, for the period before the effective date of the rules submitted under paragraph

19 (a). The department shall promulgate these emergency rules no later than the first
20 day of the 4th month beginning after the effective date of this paragraph.
21 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
22 may remain in effect until July 1, 2011, or the date on which permanent rules take
23 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the

1 statutes, the department is not required to provide evidence that promulgating a rule
2 under this paragraph as an emergency rule is necessary for the preservation of the
3 public peace, health, safety, or welfare and is not required to provide a finding of
4 emergency for a rule promulgated under this paragraph.

5 **SECTION 9450. Effective dates; transportation.**

6 (1) SCHOOL BUS INSPECTIONS. The treatment of sections 20.395 (5) (ds) and
7 110.06 (6) of the statutes takes effect on the first day of the 4th month beginning after
8 publication.

9 (END)